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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

ALEXANDER OCASIO,

Plaintiff,

vs.

**FACILITY CONCESSION SERVICES
D/B/A**

**SPECTRUM CONCESSIONS, JANE AND
JOHN DOE,**

**100 UNKNOWN INDIVIDUALS OR
ENTITIES,**

Defendant.

Case No.: 2:22-cv-02032-CDS-VCF

**STIPULATION AND ~~[PROPOSED]~~
ORDER TO STAY DISCOVERY**

(FIRST REQUEST)

Plaintiff Alexander Ocasio (“Plaintiff”), *pro se*, and Defendant Facility Concession Services (“Defendant”), by and through its counsel, the law firm of Jackson Lewis P.C., hereby stipulate and agree that discovery shall be stayed until the Court decides on Defendant’s Motion to Dismiss (ECF No. 24). This Joint Stipulation is submitted and based upon the following:

1 1. Plaintiff filed his Complaint on December 7, 2022. ECF No. 2. Plaintiff served
2 Defendant with the Complaint on March 3, 2023. ECF No. 7.

3 2. Defendant filed its Answer to the Complaint on April 7, 2023. ECF No. 10.

4 3. Plaintiff filed his Amended Complaint on April 25, 2023. ECF No. 15.

5 4. In response to Plaintiff's Amended Complaint, on June 5, 2023, Defendant filed its
6 Motion to Dismiss Plaintiff's Amended Complaint. ECF No 24.

7 5. On August 8, 2023, after the parties conferred, the Court entered a Scheduling Order
8 in which the deadline for discovery is January 31, 2024; the dispositive motion deadline is March
9 1, 2024; and the pretrial order is due by April 1, 2024. ECF No. 43.

10 6. Courts have broad discretionary power to control discovery. *Little v. City of Seattle*,
11 863 F.2d 681, 685 (9th Cir. 1988). "In deciding whether to grant a stay of discovery, the Court is
12 guided by the objectives of Rule 1 to ensure a just, speedy, and inexpensive determination of every
13 action." *Duffy v. ASNY NY, LLC*, 2022 U.S. Lexi 97470 *5 (D. Nev. May 31, 2022) (internal
14 citations omitted). Although "staying discovery [may] . . . slightly delay the action," a slight delay
15 would not impede the objective of Rule 1. *Long v. Gamo Outdoor S.L.U.*, 2022 U.S. Dist. LEXIS
16 127598 *6 (D. Nev. July 18, 2022). Even when a Motion to Dismiss may not dispose of the entire
17 case, "proceeding with certain categories of discovery [can be] highly inefficient." *Norman v. Geico*
18 *Advantage Ins. Co.* 2020 U.S. Dis. Lexis143074 *2 (D. Nev. Aug. 10 2020). Therefore, evaluating
19 the efficacy of entering a stay should not be ignored by the Courts because "[d]iscovery is
20 expensive." *Tradebay, LLC v. eBay, Inc.*, 278 F.R.D. 597, 601 (D. Nev. 2011).

21 7. In light of the foregoing and the mandate of FRCP 1, the parties seek a stay of
22 discovery pending the Court's decision on Defendant's Motion to Dismiss Plaintiff's Complaint. If
23 granted in its entirety, Defendant's Motion would completely dispose of the case. If granted in part,
24 Defendant's Motion will narrow the issues upon which discovery may be needed. As a result, the
25 parties believe that the requested stay will preserve not only their respective resources, but also
26 judicial resources. Thus, the parties submit that good cause exists to stay discovery until the Court
27 decides Defendant's Motion to Dismiss.

